

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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XCOAL ENERGY & RESOURCES,

Plaintiff / Counterclaim Defendant,

v.

C.A. No. 18-819-LPS

BLUESTONE ENERGY SALES CORP.,  
SOUTHERN COAL CORP., and  
JAMES C. JUSTICE II,

Defendants / Counterclaim Plaintiffs.

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**ORDER**

At Wilmington this **29th** day of **March 2021**:

For the reasons set forth in the Opinion issued this same date, **IT IS HEREBY**

**ORDERED** that:

1. Defendants' Motion to Dismiss (D.I. 139) is **DENIED**.
2. The Court finds in **FAVOR** of Plaintiff and **AGAINST** Defendants on **COUNTS I, II, and III** and on **COUNTERCLAIMS I, II, and III**.
3. Defendants are liable to Plaintiff for **\$6,814,105.30** in damages for breach of contract.
4. The parties shall meet and confer and, no later than **April 5, 2021**, submit a joint status report, advising the Court what, if anything, remains to be determined in this action, as well as their proposal(s) for how the Court should resolve any such issues.



UNITED STATES DISTRICT JUDGE